

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

JAN 22 2019

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
AKRON

LEON WILSON
PLAINTIFF,

VS.

CITY OF AKRON;

DAN HORRIGAN IN
HIS OFFICIAL CAPACITY

AS MAYOR OF AKRON,
AND VITO SINOPOLI

IN HIS OFFICIAL CAPACITY

AS CHIEF OF POLICE FOR
BATH TOWNSHIP.

Defendants.

CIVIL ACTION NO:

5:19 CV 156

Judge:

JUDGE ADAMS

MAG. JUDGE BURKE

COMPLAINT

1. The CITY OF AKRON HAS ENACTED AN^{ee} (ANTI-PANHANDLING ORDINANCE) "ENTITLED DISTRIBUTION IN THE RIGHT OF WAY WHICH RESTRICTS AND CRIMINALIZES THE PLAINTIFF RIGHTS TO EXPRESS HIMSELF AND HIS NEED TO OTHERS. PLAINTIFF ASKS THIS COURT TO PROVIDE HIM redress FROM THIS ORDINANCE THAT IS UNCONSTITUTIONAL AND LIMITS HIS FREE SPEECH ON THE BASIS OF ITS' CONTENT.

JURISDICTION

2. THIS COURT HAS JURISDICTION OVER THIS MATTER PURSUANT TO ARTICLE III OF THE CONSTITUTION OF THE UNITED STATES AND 28 U.S.C. 1331 AND 1343(3) AND (4). THE RELIEF SOUGHT IS AUTHORIZED BY THE CONSTITUTION OF THE UNITED STATES, 42 U.S.C. 1983 AND OTHER LAW.

VENUE

3. THIS COURT IS AN APPROPRIATE VENUE FOR THIS CAUSE OF ACTION PURSUANT TO 28 U.S.C. 1331(b)(1) AND (b)(2). THE ACTIONS GIVING RISE TO THIS SUIT TOOK PLACE IN THIS JUDICIAL DISTRICT. DEFENDANT CITY OF AKRON IS LOCATED WITHIN THIS JUDICIAL DISTRICT, AND DEFENDANTS MAYOR HORRIGAN AND CHIEF SINOPOLI SUED IN THEIR OFFICIAL CAPACITY WORK IN THIS JUDICIAL DISTRICT.

PARTIES

PLAINTIFF.

4). LEON WILSON IS THE PLAINTIFF IN THIS CAUSE AND IS LOCATED AT 788 YALE STREET AKRON, OHIO 44311. PHONE: 330-329-1465

DEFENDANTS.

5). DEFENDANT CITY OF AKRON IS A MUNICIPAL CORPORATION LOCATED AT 166 SOUTH HIGH STREET, AKRON, OHIO 44308. PHONE: 330-375-2345.

6). DEFENDANT DAN HORRIGAN IS THE MAYOR OF THE CITY OF AKRON, LOCATED AT 166 SOUTH HIGH ST, AKRON, OHIO 44308. AS MAYOR, HORRIGAN IS THE EXECUTIVE HEAD OF THE CITY OF AKRON. PHONE: 330-375-23

7). DEFENDANT VITO SINOPOLI IS THE CHIEF OF POLICE FOR THE BATH TOWNSHIP POLICE DEPT LOCATED AT 3864 W. BATH ROAD, AKRON, OHIO 44333. AS CHIEF POLICE, SINOPOLI OVERSEES THE ACTIVITIES OF THE BATH TOWNSHIP POLICE DEPARTMENT. PHONE: 330-666-3736

STATEMENT OF CLAIM

(8). PLAINTIFF HAS BEEN SOLICITING IMMEDIATE DONATIONS FROM MOTORISTS BY HOLDING A "SIGN" ("PANHANDLING") AND ASKING FOR HELP FOR YEARS IN THE BATH TOWNSHIP COMMUNITY TO HELP SUPPORT HIMSELF, (2) CHILDREN AND THEIR MOTHER.

(9). ON OR ABOUT DECEMBER 11, 2018, DEFENDANT "(CITY OF AKRON)" APPROVED AND ENACTED, "(A NEW ANTI-PANHANDLING ORDINANCE)" ENTITLED DISTRIBUTION IN THE RIGHT OF WAY, EFFECTIVE IN ALL SUMMIT COUNTY TOWNSHIPS ONLY, INCLUDING BATH TOWNSHIP COMMUNITY WHICH MAKES ACCEPTING OR RECEIVING DONATIONS WHEN HOLDING A SIGN AND ASKING FOR HELP FROM MOTORISTS IN THE RIGHT OF WAY IS A CRIME AND PUNISHABLE AS A 4TH DEGREE MISDEMEANOR FOR FIRST OFFENSE VIOLATION.

(10). ON or about December 19, 2018 defendant SINOPOLI APPROACHED PLAINTIFF WHILE HE WAS HOLDING A "SIGN" ASKING FOR HELP ON CLEVELAND-MASSILLION ROAD IN BATH TOWNSHIP AND ADVISED PLAINTIFF THAT UNDER THE NEW CITY OF AKRON ordinance THAT PANHANDLING IN THE RIGHT OF WAY AND ACCEPTING DONATIONS was now UNLAWFUL and that ^I could be CITED A TICKET, OR ARRESTED AND TAKEN TO JAIL. defendant SINOPOLI ordered me TO "Leave And Never RETURN TO BATH TOWNSHIP." defendant SINOPOLI then ordered his Police OFFICERS TO TAKE THEIR CRUSIERS AND PULL IN FRONT OF ME TO BLOCK TRAFFIC AS TO PREVENT PLAINTIFF FROM RECEIVING ANY DONATIONS FROM ^(sic) ~~MOTORIST~~.

CAUSE OF ACTION

11). The CITY OF AKRON NEW ORDINANCE
"DISTRIBUTION IN THE RIGHT OF WAY"
~~TSK~~ HAS HARMED AND CONTINUES TO
HARM PLAINTIFF BY INTERFERING WITH
HIS ABILITY TO FREELY COMMUNICATE
HIS NEEDS TO THE BATH TOWNSHIP
COMMUNITY.

12). THE UNCONSTITUTIONAL RESTRICTIONS
OF THE CITY OF AKRON'S NEW ORDINANCE
HAVE INJURED PLAINTIFF AND CAUSED
HIM TO SUFFER UNDUE FINANCIAL
HARDSHIP FOR HIMSELF AND FAMILY
MAKING PLAINTIFF ENTITLED TO
RELIEF UNDER FEDERAL AND STATE
CONSTITUTIONS.

13). THE UNCONSTITUTIONAL RESTRICTIONS
OF THE CITY OF AKRON'S NEW ORDINANCE
HAS CAUSED AND WILL CONTINUE TO
CAUSE "IRREPARABLE" HARM TO THE
PLAINTIFF RIGHTS.

Prayer FOR Relief

14). PLAINTIFF RESPECTFULLY MOVES THIS HONORABLE COURT TO ENTER JUDGEMENT AGAINST DEFENDANTS CITY OF AKRON, MAYOR HORRIGAN, AND CHIEF SINOPOLI FOR THE FOLLOWING RELIEF;

- A). DAMAGES IN WHATEVER AMOUNT PLAINTIFF IS ENTITLED TO;
- B). INJUNCTIVE RELIEF AND DECLARATORY RELIEF;
- C). PUNITIVE DAMAGES;
- D). COST OF THIS LIGATION;
- E). SUCH OTHER AND FURTHER RELIEF AS THE COURT DEEMS APPROPRIATE.

RESPECTFULLY SUBMITTED,
Leone Wilson

Leone Wilson
788 Yale Street
Akron, Ohio 44311
Phone: 330-329-1465
PLAINTIFF, PROSE
Date: 01/22/19